

## **Testimony in Support of State of Michigan House Bills 4024 and 4026**

**Sponsored by State Representative David Agema**

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I greatly appreciate the opportunity to provide a statement for the hearing concerning House Bills 4024 and 4026 that would mandate the use of E-Verify and impose penalties for violations of these bills.

**House Bill 4024 - Public Contract and Employment Eligibility Verification Act and  
House Bill 4026 - Occupational Code, Article 10 (Personnel Agencies)**

I stand behind these bills that would, in my judgement, greatly reduce the likelihood that illegal aliens would be able to work in the State of Michigan. Our nation is now suffering through an economic crisis that has left millions of American and lawful immigrant workers, of every race, religion, ethnicity and origin unemployed and unable to support themselves and their families. As more Americans lose their jobs, the economic and societal impact ripples through our entire nation. A recent ABC News report indicated that one in four American children and one in six American adults are "food insecure" which means that they are not certain that they will be able to eat three meals each day.

Furthermore it is important to know that often illegal aliens, including those with criminal histories and involvement with terrorist organizations, embed themselves in communities across our nation by seeking jobs- often jobs that provide them with camouflage and mobility that enable them to hide in plain sight. This not only creates a national security problem for our nation but potentially creates a workplace safety issue for employers and those employed.

You may be surprised to know that I am not a political conservative by anyone's definition- in fact, I have been registered as a Democrat ever since I cast my very first ballot in an election more than four decades ago.

I am also the son of an immigrant. My mom passed away many years ago while I was a college student, but as a teenaged girl, she legally immigrated to this country from Poland, in the years before the Holocaust. She lived in a rooming house and worked in an umbrella factory for the meager wage of \$3.00 per week. She was fortunate to have made it to the United States, her

mother and many of her family members were killed during the Second World War.

I am not opposed to lawful immigrants- my issue is to defend our nation against illegal immigration. I have often noted that the difference between an immigrant and an illegal alien is comparable to the difference between a houseguest and burglar.

For me the issue of border security and the effective enforcement of our nation's immigration laws is not a Democrat issue or a Republican issue. This is not about Left or Right but rather about right or wrong.

Simply stated, a country without secure borders can no more stand than can a house without walls.

I am a lifelong resident of the City of New York- a city that is arguably the most diverse city in our nation if not the world. I love the diversity of my fellow New Yorkers. I am the son of an immigrant and certainly have no issue with lawful immigration provided that the process by which immigration is handled has real integrity. The problem is that today our nation's borders are extremely porous and the immigration system itself, lacks even a shred of integrity. These failures subject our nation and our citizens of every state and city to a multitude of problems. These failures impact everything from national security, criminal justice and community safety to the economy, the environment, healthcare and education.

As a New Yorker, the ashes from the conflagration at "Ground Zero" landed on my neighborhood. Those ashes landed on my home and my family and me. Those ashes, in part, contained the remains of some of my neighbors. On September 11, 2001 our nation was attacked- but I can also tell you that as a New Yorker, my home town was attacked.

When people look down their noses at hard working blue collar Americans and tell you that illegal aliens will do the work Americans won't do, they are leaving out something really important- that illegal aliens will work for substandard wages under conditions that are often so substandard as to be illegal.

Hiring illegal aliens is not an act of compassion but is an act of exploitation.

Time and time again, studies have hammered home the same essential point- there are no workers on the face of this planet who are more conscientious or productive than American workers. There is no job an American won't do for a fair wage and decent working conditions- and do it better and more productively than anyone else.

I believe that my professional background makes me uniquely qualified to provide my opinions on Representative David Agema's bills. I spent approximately 30 years as an officer of the former INS (Immigration and Naturalization Service) and took the "scenic tour." I began my career with the INS in October 1971 when I entered on duty as an Immigration Inspector assigned to John F. Kennedy International Airport in New York City. During the four years I served as an Immigration Inspector, I was detailed for one year as an adjudications officer to the unit that adjudicated applications for the conferring of resident alien status upon aliens who were married to United States citizens or resident aliens.

I remained in that position for approximately four years when, in 1975, I became a Criminal Investigator / Special Agent of the INS in New York. I subsequently rotated through all of the squads within the investigations branch and, in 1988, was assigned to the Unified Intelligence Division (UID) of the DEA (Drug Enforcement Administration). I was the first INS special agent to be given this assignment. In 1991 I was promoted to the position of Senior Special Agent and assigned to the Organized Crime, Drug Enforcement Task Force (OCDETF) where I remained for the balance of my career with the INS.

Throughout my career, I worked closely with members of the NYPD and other local police departments as well as with members of the New York State Police, the Port Authority Police, members of nearly every federal law enforcement agencies and members of law enforcement organizations from Canada, Israel, Japan and England.

I have testified before more than a dozen Congressional hearings; most recently I was invited to provide testimony at a hearing conducted just last week, before the House Subcommittee on Immigration Policy and Enforcement in Washington, D.C. on the topic of Worksite Enforcement.

I provided testimony to the Presidential Commission on the Terrorist

Attacks of September 11, 2001. I have also provided testimony at various state legislative hearings in New York, Texas, Maryland and even here, previously in Indiana. I also provided a declaration in support of the Arizona Immigration Law, SB 1070 and testified before the Indiana State Senate in support of SB 590, an immigration enforcement bill that was subsequently enacted into law.

Finally, I have provided expert witness testimony at a number of federal trials where immigration law was at issue.

The enforcement of our nation's immigration laws is essential because of the widespread impact that immigration has on our nation. While there are those who will state that immigration is solely the responsibility of the federal government, indeed only the federal government is empowered to set immigration policies, the enforcement of immigration laws that are on the books can and must be carried out by local as well as federal officials. Former Speaker of the House, Tip O'Neal is remembered for famously remarking that "All politics is local." In point of fact, all law enforcement is also local. When aliens run our nation's borders or otherwise gain entry to our nation and then commit crimes in our country, those crimes are committed in cities and towns within the United States from coast to coast and border to border. All too often those crimes have an immediate severe impact on the residents of those towns and cities.

I know that opponents of state-enacted immigration laws often raise the disingenuous argument that when states enact individual immigration laws it becomes difficult for employers to deal with any possible variations in these laws. In point of fact, any possible variations are virtually insignificant and every state has a long list of laws and regulations that are specific to those states. Such laws as tax laws, labor laws, motor vehicle laws, emission laws and firearms laws certainly vary- often significantly, from state to state.

It is important to note that our immigration laws are blind as to the color, ethnicity, religion or other such factors of the people who are subject to those laws. The only distinction immigration laws do make is to distinguish citizens of our country from those who are not citizens. Under the immigration laws, non-citizens are referred to by a term that advocates for open borders would just as soon strike from our language- that term is "Alien." There is nothing derogatory about that term and, in fact, it is

important to note the official definition of the term “alien” as noted in the Immigration and Nationality Act. Under that body of laws, an alien is simply defined as being any person who is not a citizen or national of the United States. I defy anyone to tell me how that definition insults or denigrates anyone. Virtually every other country on this planet uses a comparable term to describe foreign nationals who are found within their borders.

As I have noted when I have testified before Congressional hearings and other venues, when aliens circumvent the inspections process, there is no way of knowing if such aliens are desperate for a job, something that in and of itself represents a violation of our nation's immigration laws, or if that person has something far more sinister in mind.

The inspections process as carried out by inspectors of CBP (Customs and Border Protection) is supposed to prevent the entry of aliens into our country whose presence would be harmful to our nation and our citizens. You need only consider the list of grounds that would render an alien excludible from the United States. It includes aliens who suffer from dangerous communicable diseases, aliens who suffer from serious mental illness and are prone to violence, aliens who are convicted felons, aliens who engage in human trafficking or drug smuggling, aliens who have committed war crimes or have committed human rights violations, aliens who have been previously deported from the United States and never received authorization to return to the United States, aliens who are engaged in espionage and aliens who are involved in terrorism.

You can review the entire list of grounds under which aliens are to be excluded from the United States by reviewing the section of the Immigration and Nationality Act to be found in Title 8 U.S.C. § 212.

The point is that our immigration laws are intended to protect our nation and our citizens. Additionally, aliens who violate our nation's borders and circumvent the inspections process leave no record of their entry into the United States. This also creates additional threats to national security and community safety across our vast nation.

In this perilous era in which the safety of our citizens and the security of our nation is threatened by members of transnational gangs and terrorist organizations- I can tell you without equivocation, that our nation cannot

protect itself or its citizens unless our immigration laws are effectively enforced.

Concerns about our nation's porous borders are not just of concern to the traditional "border states." First of all, aliens who run our nation's borders are generally not seeking to set up shop near the border but head for the rest of our country. Last year Janet Napolitano stated that more than 230 cities have become infested by members of the Mexican drug cartels. There are also other transnational gangs and criminal organizations from virtually every other nation on our planet to be found in every one of our nation's 50 states. Additionally, it has been estimated that some 40% of the illegal aliens who are illegally present in our country did not run our nation's borders but were admitted through a port of entry and then either overstayed the period of time for which they were admitted into the United States or otherwise violated their terms of admission. Therefore it is important to note that any state that has a seaport or international airport must also be considered a "border state."

Finally when the Immigration Reform and Control Act of 1986 was enacted, that law took a two pronged approach of not only providing amnesty to millions of illegal aliens but also established the knowing employment of illegal aliens by employers to be an illegal act. The theory behind this balanced approach to immigration law enforcement was to turn off the "magnet" that draws the great majority of illegal aliens across our nation's borders. Enforcing employer sanctions laws against employers who could be proven to have intentionally hired illegal aliens would turn off that powerful magnet.

There are many laws that deem certain acts to be crimes on the federal level that are paralleled by laws that are enacted on the city or state level. To cite examples, laws concerning possession of narcotics, law concerning money laundering, laws concerning false or fraud use of identity documents and laws concerning possession of firearms. Additionally an individual who robs a bank or kidnaps a person is not only violating federal law but is also violating the laws of every state in our nation.

Published reports indicate that the E-Verify process is quick and more than 99% accurate. There are no costs to employers who utilize E-Verify and considering that our nation's elected officials, on all levels of government have taken an oath to defend the laws of our nation and their particular

jurisdictions, it makes good sense to want to take the reasonable step of seeking to protect American workers in this especially challenging era.

With all of the talk about the need to spend money to create jobs, the time has long come to seek to liberate jobs- jobs held by illegal aliens who Americans and lawful immigrants desperately need in order to support themselves and their families and prevent the loss of their homes to foreclosure.

Foreign workers also create a drain on our economy that is unique to their goals- they tend to send as much of their earnings back to their families in their respective home countries. This makes good sense for them but is harmful to the economy of our nation, our states and our communities. Every year these foreign workers send tens of billions of dollars in earnings out of the United States. This is money that is not only not earned by United States citizens and lawful immigrants but is money that is not spent in the United States and not invested in the United States.

House Bills 4024 and 4026 provide important remedies for the hard pressed families of the Wolverine State and I hope that these bills will be swiftly enacted into law to protect the beleaguered families who are seeking leadership from their elected officials who are supposed to represent them.